

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 13, 2009**

Committee of the Whole 7:30 P.M.  
Stated Meeting 8:00 P.M.  
City Council Chambers

TIME: \_\_\_\_\_

PRESENT:           PRESIDENT OF THE COUNCIL  
                      CHUCK LESNICK

DISTRICT

2                   MAJORITY LEADER SANDY ANNABI  
4                   MINORITY LEADER LIAM J. McLAUGHLIN

COUNCIL MEMBERS:  
DISTRICT:

1                   PATRICIA D. McDOW  
3                   JOAN GRONOWSKI  
5                   JOHN M. MURTAGH  
6                   DEE BARBATO

Recitation of the Pledge of Allegiance to the Flag followed by a minute of silence to invoke God's guidance and Blessing upon our deliberations.

Minutes of the stated meeting held on September 22, 2009 approved on motion of Majority Leader Sandy Annabi.

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**COMMUNICATIONS**

1. From the town of Greenburgh a notice of public hearing regarding an amended site plan for the Greenville Shopping Center located at 799-855 South Central Park Avenue. COPIES ON DESKS.
- 2, From the Westchester County Planning Board, dated October 8, 2009, a response to the City Council's referral of the General Ordinance requiring a Zoning Trect Amendment Bulk Requirements for Detached Single and Two-Family dwellings. (McMansions). COPIES ON DESKS.

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**COMMITTEE OF THE WHOLE**

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**LOCAL LAW**

1. BY COUNCIL PRESIDENT LESNICK; MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A LOCAL LAW IN RELATION TO AUTHORIZING THE CONVEYANCE OF CERTAIN PARCELS OF REAL PROPERTY IN THE GETTY SQUARE URBAN RENEWAL AREA FOR THE SFC RIVER PARK CENTER AND CACACE CENTER URBAN RENEWAL PROJECT

Be it enacted by the City Council of the City of Yonkers, as follows:

Section 1. General City Law § 20 and 23 and the Second Class Cities Law § 37 are hereby superseded to the extent provided herein as follows:

In furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, the City of Yonkers (the "City") and the Yonkers Community Development Agency (the "Agency") have undertaken a program for clearance and reconstruction of the Getty Square Area in the downtown and government section of the City and have caused to be prepared an urban renewal plan for such area (the "Getty Square Urban Renewal Plan").

The City Council, by Resolution No. 71-2006, approved the terms and provisions of a proposed master developer designation agreement ("MDDA") for the designation of Struever Fidelco Cappelli, LLC (hereinafter referred to as "SFC") as a qualified and eligible sponsor for redevelopment of several blighted areas in the Getty Square Urban Renewal Area (the "Redevelopment Projects").

The Agency, by Resolution No. 16-2006 adopted on May 17, 2006, approved the MDDA and approved SFC as a qualified and eligible sponsor of the Redevelopment Projects.

The City of Yonkers is the fee title owner of certain land and improvements located in the Getty Square Urban Renewal Area and listed in Exhibit A attached hereto and made a part hereof (the "Subject Property"). With the exception of the municipal firehouse located at 32 John Street (Section 1, Block 475, Lot 59), the Chicken Island Parking Lot located in Section 1, Block 483, Lot 60 currently used by the City of

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**LOCAL LAW (CONTINUED)**

Yonkers Parking Authority, and the building known as the "Health Center" and government parking lot at 87 Nepperhan (Section 1, Block 488, p/o Lot 1), all of which are in urgent need of environmental remediation, the remainder of the Subject Property is not currently being used or is currently underutilized, nor has it been designated for specific use in the future and is thereby considered surplus.

There has been presented to the City Council a proposed Urban Renewal Land Disposition Agreement (the "LDA") among the City, the City of Yonkers Industrial Development Agency ("YIDA"), Yonkers Economic Development Corporation ("YIDA Affiliate"), New Main Street Development Corporation ("NMSDC") and SFC in connection with the Redevelopment Projects. The LDA contemplates the disposition of the Subject Property for urban renewal purposes to the Agency, YIDA, the YIDA Affiliate or NMSDC for various segments of the Redevelopment Projects.

YIDA, is authorized under Article 18-A of the General Municipal Law of the State of New York to accept grants and contributions from, and enter into contracts or other transactions with, any municipality, and to use any such gifts, grants, loans or contributions for any of its corporate purposes. NMSDC and the YIDA Affiliate were established as local development corporations under Section 1411 of the New York State Not for Profit Corporation Law, which expressly provides for the sale or lease of city-owned property to such entities.

It is proposed that the City either lease or sell the Subject Property for the public purpose of constructing the Redevelopment Projects to provide a new firehouse, new government parking and an option to provide new municipal administration offices; to replace the municipal firehouse on John Street, the Chicken Island Parking Lot and the Health Center building, all in accordance with the Getty Square Urban Renewal Plan.

Section 2. The disposition of the Subject Property by the City of Yonkers to the Agency, YIDA, the YIDA Affiliate or NSMDC for urban renewal purposes in accordance with the LDA is hereby found to be in the best interest of the City and is hereby approved.

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**LOCAL LAW (CONTINUED)**

Section 3. The Mayor or the Deputy Mayor is hereby authorized, to execute any and all documents necessary and convenient to carry out this Local Law, including but not limited to leases, deeds, easements and rights of way, and any other documents, certificates or affidavits as may be approved by the Corporation Counsel of the City of Yonkers.

Section 4. This local law shall take effect as provided by law.



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**EXHIBIT A**  
**City of Yonkers Parcels**

<b>Parcel ID#</b>	<b>Address</b>	<b>Owner</b>
1.-475-43	159 Nepperhan Avenue	City of Yonkers
1.-475-50	38 School Street (a/k/a 32 John Street)	City of Yonkers
1.-475-51	44 Ann Street a/k/a 32 John Street)	City of Yonkers
1.-475-55	Ann Street (a/k/a 32 John Street)	City of Yonkers
1.-475-59	32 John Street	City of Yonkers - Fire Department
1.-475-75	157 Nepperhan Avenue	City of Yonkers
1.-483-50	149 School Street	City of Yonkers
1.-483-60	Getty Square Parking Area	City of Yonkers - Parking Authority
1.-485-1	14 Palisades Avenue	City of Yonkers
1.-488.1 (Partial)	87 Nepperhan Ave (Building Department Building) and Government Parking Lot	City of Yonkers
1.-489-1	76 South Broadway	City of Yonkers
1.-490-3	96 South Broadway	City of Yonkers
1.-490-14	207 New Main Street	City of Yonkers
1.-490-15	45 Guion Street	City of Yonkers
1.-490-16	43 Guion Street	City of Yonkers
1.-490-17	41 Guion Street	City of Yonkers
1.-490-18	37 Guion Street	City of Yonkers
1.-490-20	35 Guion Street	City of Yonkers
1.-490-21	209 New Main Street	City of Yonkers
1.-490-22	37 Guion Street Rear	City of Yonkers
1.-490-24	33 Guion Street	City of Yonkers
1.-490-72 (Partial)	92 South Broadway	City of Yonkers

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1.490-80	100 South Broadway	City of Yonkers
Ann Street	Roadway	City of Yonkers - Engineering

**EXHIBIT A**  
**City of Yonkers Parcels**  
**Continued**

Engine Place 1	Roadway	City of Yonkers - Engineering
Henry Herz Street	Roadway	City of Yonkers - Engineering
James Street	Roadway	City of Yonkers - Engineering
John Street	Roadway	City of Yonkers - Engineering
School Street	Roadway	City of Yonkers - Engineering
Guion St (Partial)	Roadway	City of Yonkers – Engineering
1.488.1	City Hall - Washington Park (Partial)	City of Yonkers
1.488.1.4	Parking Chicken Island	City of Yonkers
1,490.72	Cacace Center - Waring Park (Partial)	City of Yonkers

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**LOCAL LAW**

2. BY COUNCIL PRESIDENT LESNICK; MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A LOCAL LAW IN RELATION TO AUTHORIZING THE CONVEYANCE OF CERTAIN CITY OWNED PROPERTY KNOWN AS 686 NEPPERHAN AVE. (SECTION 2, BLOCK 2415, LOT 60) TO PVC ENTERPRISES, INC..

Be it enacted by the City Council of the City of Yonkers, as follows:

Section 1. General City Law, Section 23 and Second Class Cities Law, Section 37 are hereby superseded to the extent herein provided as follows:

The City Council of the City of Yonkers, having determined that the property herein described is not currently being used nor can it be developed by the City of Yonkers for any intended municipal purpose and is thereby considered surplus, hereby authorizes the Mayor to sell and convey by private sale, certain city owned property identified as Section 2, Block 2415, Lot 60, (686 Nepperhan Avenue) on the Official Tax Map of the City of Yonkers to PVC Enterprises, Inc. for the sum of \$ 215,000.00. Said conveyance is expressly conditioned upon the reservation of any required easements for existing utilities running within the property to provide full and complete access for future maintenance or repair, and any further conditions which are in the best interests of the City of Yonkers.

Section 2. This local law shall take effect as provided by law.

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**LOCAL LAW**

3. BY MINORITY LEADER McLAUGHLIN; COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A LOCAL LAW AMENDING CHAPTER 109 OF THE CODE OF THE CITY OF YONKERS ENTITLED "VEHICLES AND TRAFFIC" IN REGARD TO RESIDENTIAL PARKING PERMITS IN THE YONKERS RACEWAY/EMPIRE CITY NEIGHBORHOOD.

BE IT ENACTED, by the City Council of the City of Yonkers, as follows:

Section 1. Chapter 109 of the Code of the City of Yonkers entitled "Vehicles and Traffic" is amended, in part, by adding thereto a new Section 109-130 entitled "Residential Parking System, Yonkers Raceway/Empire City Neighborhood" to read as follows:

"Section 109-130. Residential Parking System, Yonkers Raceway/Empire City Neighborhood.

A.. Authority. In accordance with Section 1640-e of the Vehicle and Traffic Law of the State of New York and this Code of the City of Yonkers, the City Council of the City of Yonkers hereby establishes a residential parking permit system in the Yonkers Raceway/Empire City neighborhood of the City of Yonkers, notwithstanding the provisions of any law to the contrary.

B. Findings and purpose. The City Council has found and determined that residents living in Yonkers Raceway/Empire City neighborhood are suffering interference with the tranquility and quiet enjoyment of their neighborhood by reason of patrons, employee and users of the nearby Yonkers Raceway/Racino who do not use the complimentary parking spaces and shuttle services available at the Raceway/Racino and who use the abutting Yonkers residential streets as a free and convenient alternative, despite the availability of free self parking, valet parking and continuous shuttle service to the parking spaces. These users park on the nearby streets for the perceived convenience and accessibility to the Raceway/Racino. The resulting lack of parking for two hundred and sixty residents on the streets near their homes in this area has led to traffic hazards, congestion, noise pollution and litter and debris on the streets, sidewalks and lawns. These factors necessitate the enactment of a residential parking system for the residents of this neighborhood.

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**LOCAL LAW (CONTINUED)**

C. Exemption. This section shall not apply to motor vehicles registered pursuant to Section 400-a of the Vehicle and Traffic Law.

D. Restriction. No vehicles shall be parked in the area generally bounded within the Yonkers Raceway/ Empire City area of the City of Yonkers consisting of the following roadways:

- (1) Belmont Avenue from Orient Street to Yonkers Avenue;
- (2) Boone Street from Central Park Avenue to Dead End;
- (3) Clark Street from Central Park Avenue to Orient Street;
- (4) Loring Avenue from Central Park Avenue to Orient Street; and
- (5) Chamberlain Avenue from Belmont Avenue to Central Park Avenue

unless said vehicle has prominently displayed a permit, obtained from the Parking Violations Bureau of the City of Yonkers, properly affixed to the automobile, allowing parking in said area, for the period of seven days per week, from 10 a.m. until 4 a.m. the following morning, each and every day of the year.

E. Permit fees. The Parking Violations Bureau of the City of Yonkers shall have available for issuance blank permits to be used in this area, at least 20% of which shall be available to be purchased by nonresidents of the Raceway/Empire City parking area. The permit fees shall be paid for any calendar year or part thereof and be set as \$25 for residents and \$50 for nonresidents of the City. The moneys received from said fees shall be credited to the general fund of the City of Yonkers.

F. The City of Yonkers shall post appropriate signs to be conspicuously posted in the area advising the public of the restricted permit parking.

G. Penalties. A violation of this provision shall subject the violator to pay a fine not to exceed \$65."

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**LOCAL LAW (CONTINUED)**

Section 2. This local law shall take effect immediately.

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**GENERAL ORDINANCE**

4. BY COUNCILMEMBER BARBATO; COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI AND MURTAGH

A GENERAL ORDINANCE AMENDING VARIOUS SECTIONS OF THE ZONING CODE OF THE CITY OF YONKERS IN REGARD TO THE BULK OF DETACHED SINGLE AND TWO FAMILY DWELLINGS AND AMENDING DEFINITIONS AND USES.

The City of Yonkers, in City Council convened, does hereby ordain and enact:

Section 1.General Ordinance No.4 -2000 and the accompanying map, also known as Chapter 43 of the Code of the City of Yonkers, and more commonly known as the Zoning Code of the City of Yonkers, is hereby amended, in part, to read as follows:

“Section 43-8. of the Code of the City of Yonkers entitled “Definition of Terms” is hereby amended in part, by the addition of the following new terms to be placed in alphabetical order within the section:

**BASEMENT** – The portion of a building that is partly or completely below grade. A basement shall be counted as a story if the distance between the grade and the elevation to the floor immediately above equals or exceeds

- a. More than 6 feet above grade elevation.
- b. More than 6 feet above the finished grade elevation for more than fifty percent (50%) of the total building perimeter ;or
- c. More than 12 feet above the finished ground level at any point (See Illustration #4.)

**Dormer** – Any structure whose framing projects out of a sloping roof to form a vertical wall suitable for windows or other openings.

Gross Floor Area

- a) For detached single- and two family homes- the sum of the gross horizontal areas of the several floors and mezzanine floors of a building and its accessory buildings on the same lot. All dimensions shall be measured between the exterior faces of the walls.
- b) For all other buildings- the sum of the gross horizontal areas of the several floors and mezzanine floors of a building and its accessory buildings on the same lot, excluding basement or cellar area devoted to parking and mechanical equipment space. All dimensions shall be measured between exterior faces of walls.

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**GENERAL ORDINANCE (CONTINUED)**

Section 2. Table 43-3 of the Table of Dimensional Regulations for Dimensional Regulations for Residential Uses is hereby amended in part, by amending the regulations regarding Side yard and Floor Area Ratio for Single and Two Family Dwellings, to read as follows:

	<u>S-200</u>	<u>S-100</u>	<u>S-75</u>	<u>S-60</u>	<u>S-50</u>	<u>T</u>
<u>Side yard: one/both (feet)</u>						
<u>Single and two-family-dwellings</u>	<u>20/40</u>	<u>15/30</u>	<u>11/23</u>	<u>8/17</u>	<u>6/15</u>	<u>6/15</u>
<u>Side yard: one/both (feet)</u>	<u>MG</u>	<u>M</u>	<u>A</u>	<u>B</u>	<u>BA</u>	
<u>Single and two-family-dwellings</u>	<u>6/15</u>	<u>6/15</u>	<u>6/15</u>	<u>6/15</u>	<u>6/15</u>	
<u>Floor Area Ratio</u>	<u>S-200</u>	<u>S-100</u>	<u>S-75</u>	<u>S-60</u>	<u>S-50</u>	<u>T</u>
<u>Single and two-family – dwelling Base F.A.R.</u>	56	.56	.60	.68	.75	1.00”

Section 3. Section 43-34 of the Zoning Code of the City of Yonkers entitled “Supplemental regulations for certain residential uses’ specifically, is hereby amended, in part, by the addition of a new Section 43-34 (H) entitled “Detached Single and Two-Family Dwellings” to read as follows:

“(H) Detached Single –and Two Family Dwelling Dwellings: Detached single –and two family dwellings in all residential districts shall be subject to the following additional regulations:

a) Side Setback Plane. Except as provided in subsection B, below, an inwardly sloping 45-degree angle slide setback plane begins at a horizontal line 20-feet directly above each side setback line. The 20-foot height of the horizontal line is established for the 40-foot deep portions of the lot beginning at the front setback line and extending to the rear of the lot, except that the last portion at the rear of the lot may be less than 40 feet deep. (See illustration.) The side setback plane may be rotated ninety degrees on the lot and provided as a front/rear set back plane to accommodate alternative lot orientations. In such cases, no side setback plane is required.



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**GENERAL ORDINANCE (CONTINUED)**

b) Exceptions to the side setback plane and rear setback plane requirements:

The requirements of the side and rear setback planes shall not apply to:

- i) Dormers that do not exceed fifty (50%) percent of the horizontal area of the roof upon which they are located.
- ii) Radio or television antennae
- iii) Chimneys or vents.  
Provided that such feature shall not exceed the required plane only to the extent necessary to accomplish the purpose for which they are intended to serve.
- c) Side Wall Articulation. A side wall of a building that is more than 15 feet tall and is an average distance of 15 feet or less from a side lot line may not extend in an unbroken plane for more than 30 feet along a side lot line. To break the plane, a wall articulation of not less than two (2) feet for a distance of not less than ten (10) feet is required (See Illustration.)
- d) Maximum exposed wall height. The maximum exposed height of any wall of a detached single- or two- family dwelling shall be 35 feet as measured from the finished grade at the base of the wall to the eave. (See illustration.)
- e) Administrative relief permitted. The Commissioner of Housing and Buildings shall have the power to grant, in a S-200, S-100, S-75, S-60, S-50, or a T zone, a permit for the alteration or extension not exceeding two thousand five hundred (2,500) cubic feet to a detached single- family or two-family dwelling, wherein front yard, side yard, rear yard or FAR requirements are at variance with the provisions of this chapter, provided that the applicant for such a permit shall file with the Commissioner, written and notarized consents for such alteration or extension of the immediately abutting property owners. The administrative relief shall be specifically noted on the certificate of occupancy for the building and only one such permit shall be granted. Any additional alterations or extensions in variance with the Zoning Code may be granted only after compliance with Article VIII, Variances of the Yonkers Zoning Code."

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**GENERAL ORDINANCE (CONTINUED)**

Section 2. This Ordinance shall take effect immediately, excepting from its coverage, completely filed plans for construction or alteration of detached single or detached two family dwellings, filed before the effective date of this ordinance, said projects being exempt from these requirements.

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**SPECIAL ORDINANCE**

5. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

BOND ORDINANCE OF THE CITY OF YONKERS, NEW YORK AUTHORIZING FISCAL YEAR 2009/10 FUNDING FOR VARIOUS CAPITAL PROJECTS INCLUDED IN THE CAPITAL BUDGET FOR THE CITY AND BOARD OF EDUCATION; STATING THE TOTAL ESTIMATED MAXIMUM COST THEREOF IS \$53,382,929; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF \$53,382,929 BONDS OF SAID CITY TO FINANCE SAID APPROPRIATION.

THE CITY COUNCIL OF THE CITY OF YONKERS, IN THE COUNTY OF WESTCHESTER, NEW YORK, HEREBY ORDAINS (by the favorable vote of not less than two-thirds of all the members of said City Council) AS FOLLOWS:

Section 1. The City of Yonkers, in the County of Westchester, New York (herein called "City"), is hereby authorized to finance the cost of various capital projects as referenced in column A of the attached schedule, each as more fully described in column F of the attached schedule. For each of the objects or purposes, as specified in column A of the attached schedule, the respective estimated maximum costs, including preliminary costs and costs incidental thereto and to the financing thereof, are set forth in column B of the attached schedule, and said respective amounts are hereby appropriated therefor pursuant to the duly adopted Capital Budget for fiscal year 2009/10 of the City and Board of Education. The plan of financing includes the issuance of \$53,382,929 aggregate principal amount of bonds of the City and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriations, and the levy and collection of taxes on all the taxable real property in the City to pay the principal of and interest on said bonds and notes as the same shall become due and payable. Any amounts received by the City or Board of Education from the United States of America and/or the State of New York are hereby authorized to be expended, as referenced column D of the attached schedule, towards the cost of the applicable objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

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**SPECIAL ORDINANCE (CONTINUED)**

Section 2. Bonds of the City in the respective principal amounts set forth in column C of the attached schedule are hereby authorized to be issued, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriations.

Section 3. The respective periods of probable usefulness for said objects or purposes for which said bonds herein authorized are to be issued, within the limitations of the applicable paragraphs under §11.00 a. of the Law, is set forth in column E of the attached schedule.

Section 4. Each of the bonds authorized by this ordinance and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds, shall be general obligations of the City, payable as to both principal and interest by general tax upon all the taxable real property within the City without limitation of rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 30.00, Section 50.00, Sections 56.00 to 60.00, and Section 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and all other powers or duties pertaining or incidental to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, and the power to enter into agreements for credit enhancement for said bonds and notes, are hereby delegated to the Commissioner of Finance & Management Services of the City.

Section 6. Pursuant to the provisions of Section 17 of the Special Local Finance and Budget Act of the City of Yonkers constituting Chapters 488 and 489 of the Laws of 1976 of the State of New York (herein called the "Act"), the City is authorized and directed to include the following pledge and agreement of the State of New York (herein called the "State") contained in said Section 17 in this ordinance, and the Act provides that upon payment for the Bonds by the original and all subsequent holders thereof the inclusion of such pledge and

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**SPECIAL ORDINANCE (CONTINUED)**

agreement shall be deemed conclusive evidence of valuable consideration received by the State and City for such pledge and agreement and of reliance upon such pledge and agreement by any holder and that any action by the State contrary to or inconsistent with the provisions of such pledge and agreement shall be void:

“The state does hereby pledge to and agree with the holders of obligations of the city issued pursuant to the local finance law or this act that the state will not (a) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the power or duty of the city to exercise, perform, carry out and fulfill its responsibilities under this act to the extent that the city incorporates in any bond ordinance or credit agreement covenants and agreements to so exercise, perform, carry out and fulfill such responsibilities, (b) repeal, revoke, repudiate, limit, alter, stay, suspend or otherwise reduce or rescind or impair the rights and remedies of any such holders to fully enforce in a court of law such covenants and agreements so incorporated in the bond ordinance or credit agreement or to enforce the pledge and agreement of the state contained in this section, or (c) otherwise exercise any sovereign power contrary to or inconsistent with the provisions of such bond ordinance or credit agreement, it being hereby determined and declared that the provisions of this act and the powers and duties of the city authorized and imposed hereunder are proper, reasonable and appropriate means by which the state can and should exercise and has exercised its duty under section twelve of article eight of the constitution to prevent abuses by the city in taxation and in the contracting of indebtedness and that the provisions hereof are necessary and in the public interest and proper means to improve market reception for the purchase of bonds and other obligations of the city; provided, however, the foregoing pledge and agreement shall be of no further force and effect if at any time there is on deposit in a separate trust account with the fiscal agent sufficient moneys or direct obligations of the United States of America or the state the principal of and/or interest on which will provide moneys to pay punctually when due at maturity or prior to maturity by redemption in accordance with their terms all principal and interest on all such obligations of the city outstanding, (i) irrevocable instructions from the state and city to the fiscal agent for such payment of such principal and interest with such moneys have been given, and (ii) notice to the holders of such obligation as provided in the bond ordinance or credit agreement has been given, and provided further that such pledge and agreement by the state may be temporarily suspended upon the declaration of martial law in the city in the event of circumstances in the city deriving directly out of a natural disaster (such as an earthquake or major conflagration or flood but not a snowstorm) or civil disturbance (such as military invasion or civil insurrections but not strikes or

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**SPECIAL ORDINANCE (CONTINUED)**

crises created by financial abuses or economic events).”

Section 7. The validity of the bonds authorized by this ordinance and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such ordinance are not substantially complied with,

and an action, suit or proceeding contesting such validity, is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 8. This bond ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full, together with a Notice attached in substantially the form prescribed by §81.00 of the Law in “THE JOURNAL NEWS,” a newspaper published in Yonkers, New York, and in “YONKERS RISING published in Yonkers, New York, each having a general circulation in the City and hereby designated the official newspapers of said City for such publication.

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**SPECIAL ORDINANCE**

6. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A SPECIAL ORDINANCE DISCONTINUING A PORTION OF WORTH STREET AS A PUBLIC STREET PURSUANT TO SECTION 29 OF THE GENERAL CITY LAW.

The City of Yonkers, in City Council convened, hereby ordains and enacts:

Section 1. That portion of Worth Street, in the area running from Nepperhan Avenue to the Saw Mill River is a paper street. The remainder of Worth Street, running from the Saw Mill River Road to the Saw Mill River, is a public street and will remain so. This paper street, hereinbefore described, is being discontinued and is shown on a map and legal description as filed with the Planning Board of the City of Yonkers. Worth Street is a public street in the City of Yonkers, and that portion hereof which is a paper street, is hereby discontinued as a public street and removed from the Official Map of the City of Yonkers, in its entirety, pursuant to Section 29 of the General City Law subject to the following conditions;

(a) The City of Yonkers presently has a 30" water main and a 12" utility sanitary sewer located within the area in question on Worth Street between Nepperhan Avenue and the Saw Mill River. The City of Yonkers must be able to access these utilities for maintenance and repair purposes in the future. Accordingly, a reservation of easement(s) shall be required prior to any future disposition by the city.

Section 2. The affected City departments, bureaus and agencies shall amend the necessary City records, including the Official City Map and Official Tax Map accordingly, whereby said discontinued street bed shall be identified as Section 2, Block 2415, Lot 60 and known by the street address of 686 Nepperhan Avenue.

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**SPECIAL ORDINANCE (CONTINUED)**

Section 3. This Special Ordinance shall take effect as provided by law.



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**SPECIAL ORDINANCE**

7. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

A SPECIAL ORDINANCE AMENDING THE CITY OF YONKERS GRANT BUDGET FOR FISCAL YEAR 2009/2010.

The City of Yonkers hereby ordains and enacts:

Section 1: The City's Grant Budget for fiscal year 2009/2010 is hereby amended by increasing revenues and appropriations for the Police Department for a grant from United States Department of Criminal Justice COPS Office, for purpose of moving & equipping Police & Fire Radio room to I Park.

Increase Estimated Revenues

U. S. DCJS	049-G16-3159-3127	\$ 400,000
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Increase Appropriation

Police – Special Projects	049-G16-3159-0496	\$ 400,000
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Section 2: The unencumbered balance of such appropriation equals or exceeds the estimated expenditures the City requires for such purpose during the remainder of the budget year.

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**SPECIAL ORDINANCE (CONTINUED)**

Section 3: This ordinance shall take effect immediately.

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**RESOLUTION**

8. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

**RESOLUTION APPROVING URBAN RENEWAL AND DISPOSITION AGREEMENT FOR SFC PROJECT AND DISPOSITION OF LANDS**

WHEREAS, in furtherance of the objectives of Articles 15 and 15-A of the General Municipal Law of the State of New York, the City of Yonkers (the "City") and the Yonkers Community Development Agency (the "Agency") have undertaken a program for clearance and reconstruction of the Riverview Urban Renewal Area in accordance with an urban renewal plan known as the Modified Urban Renewal Plan for N.D.P. Areas No. 1 and No. 2 (the "Riverview Urban Renewal Plan"), and have caused to be prepared an urban renewal plan for the downtown and government center area known as the Getty Square Urban Renewal Area (the "Getty Square Urban Renewal Plan"); and

WHEREAS, on April 4, 2006, the City Council of the City of Yonkers ("City Council"), by Resolution No. 71-2006, approved the terms and provisions of a proposed master developer designation agreement ("MDDA") for the designation of Struever Fidelco Cappelli, LLC (hereinafter referred to as "SFC") as a qualified and eligible sponsor for redevelopment of several blighted areas in urban renewal areas, including the "Chicken Island" section of the Getty Square Urban Renewal Area and the waterfront area of the Riverview Urban Renewal Area (the "Redevelopment Projects"), and approved the designation of SFC as a qualified and eligible sponsor for the redevelopment of the Redevelopment Projects, subject to the approval of the Agency; and

WHEREAS, by Resolution No. 16-2006 adopted on May 17, 2006, the Agency approved the MDDA and approved SFC as a qualified and eligible sponsor of the Redevelopment Projects; and

WHEREAS, on or about October 24, 2006, SFC filed an Application/Petition, including an Environmental Assessment Form, with the City Clerk for certain approvals from the City Council required for the development of the Redevelopment Projects; and

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**RESOLUTION (CONTINUED)**

WHEREAS, pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law (collectively "SEQRA") and based on the information contained in the Environmental Assessment Form, the City Council determined at its October 24, 2006 meeting that the Redevelopment Projects as described in the Application/Petition constitute a Type I action as defined under 6 NYCRR §617.4(b) of the SEQRA regulations and declared its intent to act as SEQRA Lead Agency in accordance with 6 NYCRR§617.6(b); and

WHEREAS, on or about October 26, 2006 the City Council initiated coordinated review and Lead Agency designation with the circulation of its Notice of Intent to Act as Lead Agency; and

WHEREAS, on or about November 29, 2006, the City Council confirmed that it would act as Lead Agency for the SEQRA review of said Application/Petition; and

WHEREAS, on December 19, 2006 the City Council determined that the Redevelopment Projects may have a significant effect on the environment and accordingly directed that an Environmental Impact Statement be prepared; and

WHEREAS, the City Council completed the SEQRA process, and by Resolution No. 176-2008 adopted the Statement of Environmental Findings for the Redevelopment Projects on November 5, 2008; and

WHEREAS, in accordance with the MDDA, the City Council has considered and reviewed a certain Urban Renewal Land Disposition Agreement ("LDA") to be entered into by and among the Agency, the City, the City of Yonkers Industrial Development Agency ("YIDA"), Yonkers Economic Development Corporation ("YIDA Affiliate"), New Main Street Development Corporation ("NMSDC") (and SFC in connection with the Redevelopment Projects, the disposition of lands owned by the City and the Agency and lands to be acquired by the Agency (collectively, "Disposition Parcels"), pursuant to the terms and provisions of the LDA and one or more development lease(s); and

WHEREAS, the planning for the Redevelopment Projects began in 2002 and envisioned infrastructure upgrades that would benefit the whole downtown area and not serve just the needs of SFC. The infrastructure needs for the downtown area have since been estimated at \$212,000,000. Funding such a massive undertaking is beyond the ability of any single development project or the City of Yonkers and cannot reasonably be anticipated from State and federal

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**RESOLUTION (CONTINUED)**

grant programs. Therefore, increment financing has always been a critical part of the financing package for the Redevelopment Projects. Given the current economic climate, increment financing is more critical than ever for the future of the City of Yonkers. In order to proceed with increment financing, while addressing unique New York state issues, the City proposes to proceed with a borrowing on a limited recourse basis by YIDA for improvements approved by City Council with repayment from increments in an Increment District designated by City Council. This structure provides increment financing in a form required by the financing markets but avoids direct involvement by the City and avoids the unique New York state limitations on true tax increment financing. The structure requires a written agreement on property tax payments to be made by SFC and which will include certain covenants to enable the YIDA bonds to be repaid with 60% of the increment in the Increment District.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YONKERS,

Section 1. That, in accordance with Section 556 and paragraph (d) of subdivision 2 in Section 507 of the General Municipal Law of the State of New York, and after a public hearing held on due notice pursuant to Article 15 of the General Municipal Law, the principal terms and provisions of the LDA, as set forth in Exhibit A attached hereto and made a part hereof, are hereby approved, subject to concurrence by the Agency, and the transfer of Disposition Parcels from the Agency through the YIDA to SFC and to other qualified and eligible sponsors, if applicable, for urban renewal purposes pursuant to the LDA is hereby approved, subject to concurrence by the Agency.

Section 2. That, in accordance with Sections 503-a(4) and 503-b of the General Municipal Law, the transfer from the City to the Agency of the Disposition Parcels identified in Exhibit B attached hereto and made a part hereof for urban renewal purposes pursuant to the terms and provisions of the LDA, is hereby approved, subject to concurrence by the Agency.

Section 3. That, the City Council finds that with the exception of the municipal firehouse located at 32 John Street (Section 1, Block 475, Lot 59), the Chicken Island Parking Lot located in Section 1, Block 483, Lot 60 currently used by the City of Yonkers Parking Authority, and the building known as the "Health Center"

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**RESOLUTION (CONTINUED)**

and government parking lot at 87 Nepperhan Avenue (Section 1, Block 488, p/o Lot 1), all of which are in urgent need of environmental remediation and replacement, the City-owned parcels listed in Exhibit B are not required for use by the City and that, in accordance with Section 1411(d) of the Not For Profit Corporation Law of the State of New York, the transfer of the parcels from the City to the YIDA Affiliate or NSMDC pursuant to the terms and provisions of the LDA to provide a new firehouse, new government parking, the daylighting of the Saw Mill River and an associated riverwalk, and municipal administration offices all in accordance with the Getty Square Urban Renewal Plan, is hereby approved.

Section 4. That, the principal terms and provisions of the Development Lease set forth in Exhibit A attached hereto for the Redevelopment Project known as the Palisades Point Project in the Riverview Urban Renewal Area for the Disposition Parcels owned by the Agency, and designated on the Tax Map of the City as Section 1, Block 640, Lot 38; Block 643, Lot 1, portions of Lots 24, and 40 are hereby approved, subject to concurrence by the Agency. This area is also referred to as the "Parcels H/I Project" as described in the Master Plan & Design Guidelines for the Yonkers Downtown Waterfront, as such plan may be amended, and includes the area bounded by the Hudson River to the West, American Sugar Refining facility to the South (a.k.a. City of Yonkers Tax Block 625), the Metro North train tracks to the East, and Scrimshaw House to the North (23 Water Grant Street), but excludes any land under water or riparian rights. This Redevelopment Project includes a waterfront residential development comprising one or more high rise buildings, neighborhood retail, as well as parking for the development's residents and for the residents of the adjacent cooperative apartment (building known as Scrimshaw House).

Section 5. That, the principal terms and provisions of the Development Lease set forth in Exhibit A attached hereto for the Redevelopment Projects known as River Park Center and Cacace Center Projects in the Getty Square Urban Renewal Area for the Disposition Parcels listed in Exhibit B attached hereto (except the Agency-owned parcels required for the Palisades Point Project), is hereby approved, subject to concurrence by the Agency. These Redevelopment Projects are mixed-use projects within the downtown redevelopment area and includes a minor league qualified baseball stadium and other entertainment-oriented facilities, a regional retail shopping and commercial center, parking to support the development and other downtown uses, and residential development.

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**RESOLUTION (CONTINUED)**

Section 6. That, the Mayor, the Deputy Mayor, the Commissioner of Planning and Development, the Corporation Counsel and any designee of the Mayor is hereby authorized to execute and deliver all documents, certificates, affidavits and any other documents necessary or desirable to effect the transactions approved and as contemplated by this Resolution, and said officers may make, approve, execute and deliver any modifications to such documents, including but not limited to the LDA and the Development Leases and exhibits thereto provided that the Corporation Counsel recommends such modifications as not material and adverse changes to actions approved by the City Council, and provided that such modifications are in the best interests of the City to enable the Redevelopment Projects to proceed.

Section 7. That this resolution shall take effect immediately.

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.....**EXHIBIT "A"**

**SUMMARY OF PRINCIPAL TERMS AND PROVISIONS  
OF URBAN RENEWAL LAND DISPOSITION  
AGREEMENT AND FULL TAX AGREEMENT**

1. **Master Developer Designation Agreement:** The MDDA was executed by the City, the Yonkers Community Development Agency ("CDA"), the City of Yonkers Industrial Development Agency ("YIDA"), the Yonkers Parking Authority ("YPA") and Struever Fidelco Cappelli LLC ("SFC") on May 17, 2006 and was approved by the City Council, the CDA, YIDA and the YPA. The MDDA designated SFC as developer for various projects. The Urban Renewal Land Disposition Agreement ("LDA") is a Project Specific Agreement as defined under the MDDA and is limited to two MDDA Projects:

- A. Palisades Point Project
- B. River Park Center and Cacace Center Projects

Upon execution of the LDA, the MDDA will be deemed terminated and shall be of no force and effect. Notwithstanding this termination, the LDA provides that SFC will have a right of first offer on parcels owned by a City entity, including the Agency, and listed in Exhibit 13.6 to the LDA, for a 24-month period.

2. **Development Leases:**

(a) The development lease for the **Palisades Point Project** provides that the lands known as Parcels H/I in the Yonkers Downtown Waterfront Master Plan will be leased by the CDA through the YIDA on behalf of SFC ("Development Lease"), subject to the YIDA entering into a financing or sublease with SFC ("Financing Lease"). It is expected that the Development Lease will be executed immediately upon approval by the City Council and the CDA, and will be pledged by SFC to an Institutional Lender to extend SFC's existing credit financing for the Redevelopment Projects. Construction of the Palisades Point Project includes the Scrimshaw House Parking Facility and Waterfront Public Improvements

(i) **Term and Annual Rent.** The term of the Development Lease is for a period of 49 years to 75 years with the actual term determined by CDA with an initial annual rent for lease years 1 to 5 equal to 4% of the Purchase Price, or \$114,009; for lease years 6 to 10 at \$228,000, and in lease year 11 at \$456,000, and increased (but not decreased) annually thereafter by a Consumer Price Index. The first two years of annual rent paid shall be a credit against the Purchase Price but only if construction of Phase I has commenced. If the terms and provisions of the Development Lease are required to be changed by SFC's



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lenders or the New York State Attorney General, such changes will be approved by the CDA.

(ii) Option to Purchase. SFC has an option to purchase the land at the Purchase Price (defined below) within ten years after substantial completion of the first tower to be constructed at the Palisades Point site. If SFC does not exercise the option to purchase within such period, SFC shall lose its option to purchase, and the property shall remain a rental under the Development Lease. If SFC receives approval from the New York State Attorney General's Office to create residential condominium units at Palisades Point prior to substantial completion of the project the option may be exercised at the Purchase Price at such earlier date as required by the Attorney General, [on such terms as may be approved by CDA.](#) Upon conveyance of the property to SFC for condominium purposes, under current law, the financing lease or sublease between YIDA and SFC and the payment in lieu of taxes agreement will be terminated.

(iii) Temporary Esplanade Improvements. If the Waterfront Public Improvements have not been commenced and completed within two years of the date of the Palisades Point Development Lease, SFC will be required to construct temporary esplanade improvements and landscaping in place thereof; provided however, the Waterfront Public Improvements shall be substantially completed by the earlier of the fifth anniversary of the date of the lease or the date on which at least one of the two towers of the Palisades Point Project is substantially completed.

(iii) Residential Towers. In consideration of the almost unprecedented stresses on the credit markets and the downturn in the retail and residential economic markets, SFC will use best efforts and commercially reasonable efforts to commence construction of one of the two residential towers of the Palisades Point Project not later than the tenth (10<sup>th</sup>) anniversary of the date of the Lease,.

(b) . Supplemental Payments; Affordable Housing. Construction can commence at Palisades Point even if SFC has not obtained financing for the Guaranteed Phase I Development at the River Park Center site ("Phase I"). Provided however, if Phase I is not developed and SFC creates condominium residential units at Palisades Point, then upon the closing of the sale by SFC of each residential condominium unit, SFC shall pay \$5,000.00 per unit to the CDA.; and provided further, , if SFC constructs residential units at the Palisades Point site before residential units are constructed at the River Park Center site, then until such time as residential units are constructed at the River Park Center site, SFC shall comply with the Affordable Housing Commitment under the LDA by providing affordable housing units on an interim basis equal to 14% of the total number of market rate housing units constructed at the Palisades Point site. The interim program for affordable housing units shall be limited to off-site affordable housing units on the west side of the MetroNorth Hudson Line tracks

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in Yonkers equal to 3% of the number of market rate units constructed at the Palisades Point site; 3% of the units shall be new or rehabilitated units constructed within the downtown areas, and the remaining 8% shall be any combination of new and rehabilitated units in the downtown area, or payment of a fee in lieu equal to \$61,000 per unit, as SFC may elect. The Affordable Housing Commitment shall be subject to a Regulatory Agreement between CDA and SFC to assure the maintenance, operation and delivery of affordable housing units for a period of thirty years from the date of substantial completion of the Palisades Point Project; provided that units having a tenant in occupancy as of the expiration of the initial term will continue to be maintained as affordable housing for up to 20 additional years so long as that tenant continues to renew the lease, and further provided that nothing shall prohibit termination of a lease at any time for non-payment or as a result of any other breach by the tenant.

(c) The development lease for the **River Park Center and Cacace Center Project** (which includes the Government Center and the Palisade Avenue Office Building) uses the same form of development lease as above, except that the lease will not be executed until SFC obtains a construction loan for Phase I. The LDA grants SFC a period of up to 36 months to close on a construction loan, an additional 12 months to commence construction of Phase I, and 36 months thereafter to complete construction of Phase I.. If SFC fails to obtain such construction loan, the LDA may be terminated, and the Development Lease for Palisades Point shall survive. If SFC commences and completes market-rate residential units at River Park Center, the number of affordable housing units required to be provided west of the Metro North Hudson Line tracks in Yonkers shall be correspondingly reduced, subject to the Regulatory Agreement described above.

(d) The initial annual rent upon executing the development lease for the River Park Center and Cacace Center Project will be 4% of the Purchase Price, which shall be increased to twice the amount of the initial annual rent upon substantial completion of the project; and the first two years of rent paid shall be a credit against the Purchase Price. If SFC does not exercise the option to purchase the land within 10 years after substantial completion of the Guaranteed Phase I Development, then the annual rent will be increased (but not decreased) annually thereafter by a Consumer Price Index.

3. **Purchase Price:** (a) The Purchase Price for City Parcels and CDA parcels that will be used for private improvements is determined based upon \$1.2 million per acre.

River Park Center ("RPC") parcels	\$2,924,147
Palisades Avenue parcels	58,257
Government Center site owned by City	851,304
Cacace Center ("CC") site parcels owned by City	401,133

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Palisades Point (Parcels H/I/J) parcels

2,850,000

- (b) The purchase price shall also include the market value consideration for the portions of the NMSDC Parcels which constitute Disposition Parcels. The remainder of the development parcels are as follows:

- (1) the Acquisition Costs for the DOT Parcels paid as incurred by the City Entity or City;
- (2) Acquisition Costs for the Private Parcels paid as incurred by the City Entity;
- (3) The Net Health Center Building Purchase Price (est. \$3,000,000) paid as contemplated by Section 2.1(C)(3)(a) of the LDA; less up to \$3,000,000 for costs incurred by SFC, subject to the CDA Project Manager's review and approval for eligibility, related to construction by SFC of the Scrimshaw House Parking Facility and for the construction of temporary parking for Scrimshaw House Condominium during the construction of Palisades Point;
- ;
- (4) Old Library Purchase Price payable at possession by the Company (\$1,540,000);
- (5) Net Fire Headquarters Purchase Price payable at possession by the Company (est. \$0);
- (6) Former Police Department Facility Purchase Price (\$1,944,000) payable at possession by the Company;

**4. Guaranteed Phase 1 Development:**

Daylighting and Riverwalk at RPC  
Minimum of 300,000 square feet commercial space at RPC  
RPC Parking Facility  
Ballpark (completed and operational)  
Temporary Fire Headquarters  
Replacement Fire Headquarters and Fire Station  
CC Commercial Building\*  
City Office Condominium Unit\*  
CC Public Parking Facility\*  
Residential Tower at RPC (only one)  
Affordable Housing Commitment at RPC  
Waterfront Public Improvements (Parcel J)  
Maintenance of Palisades Point surface parking

\* subject to the terms of Section 2.1(C)(3) of the LDA, the CC Commercial Building (and

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if the City exercises its option, the City Office Condominium Unit in that building) and the Cacace Center Public Parking Facility will be part of the Guaranteed Phase I Development

**5. Other Project Descriptions**

**A. Daylighting.** A \$24 million grant was obtained by the City to acquire the approximately 13 private parcels necessary to “daylight” the Saw Mill River at the River Park Center site (referred to in the LDA as the “NMSDC Parcels”). In order to openly account for all state grant funds expended, the City formed the New Main Street Development Corporation (“NMSDC”). Counsel to NMSDC has reviewed the title information related to the NMSDC Parcels and has attempted to establish terms of sale with several property owners. NMSDC staff solicited bids for a property manager and a relocation specialist in anticipation of taking title to the NMSDC Parcels. A meeting of the NMSDC board will be convened in the coming weeks to address the proposed form of acquisition, as contemplated by the LDA, and to choose the property manager and relocation company to provide services to NMSDC. Additionally, \$6 million of the ESDC Grant to the City will be used for Daylighting at River Park Center and other eligible uses with the remaining balance used for needs at Larkin Plaza.

**B. Affordable Housing.** Subject to the terms and provisions of a Regulatory Agreement, the SFC will provide, or cause the provision of, affordable housing units equal to fourteen percent (14%) of the total number of market rate housing units constructed on a proportionate basis as market rate units are developed: 3% of the market rate units shall be constructed at the River Park Center Site and be restricted to income of 80% to 120% of AMI; 3% of the market rate units shall be new or rehabilitated units constructed off the Project Site but within the downtown areas and be restricted to 30% - 80% AMI; and the remaining 8% of the market units shall be any combination of new or rehabilitated units in the downtown area or payment of a fee in lieu equal to \$61,000 per unit, as SFC elects. AMI means the Area Median Income for the Westchester County, New York MSA as adjusted from time to time. For fiscal year 2007, AMI was \$95,900 for a family of four adjusted for family size pursuant to Section 142(d) of the Internal Revenue Code. The affordable units constructed on site at River Park Center as part of the Project shall be sized comparable to the market rate units and have amenities comparable to the market rate units.

**C. Assemblage of Parcels.** The municipal entities will transfer parcels to YIDA, the YIDA Affiliate, NMSDC or the CDA as the case may be. The list of Disposition Parcels is set forth in Exhibit B attached hereto. As contemplated by the MDDA, the CDA will lease and then convey the City owned parcels used for private improvements to the SFC at the price of \$1,200,000 per acre. The parcels acquired by NMSDC will be paid for utilizing a grant from the State of New York. As necessary, the NMSDC parcels and any other necessary parcels may be acquired by the YIDA. Non-City and non-CDA parcels shall be transferred to the SFC at cost.

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**D Development Leases and Financing Leases.** The CDA will lease the "Disposition Parcels" (all relevant property other than the areas to be developed with the Riverwalk/Daylighting, Public Parking Facilities and the Retained Units where City facilities will be constructed) under a Development Lease, subject to YIDA entering into a Financing Lease with SFC similar to that used for other Urban Renewal projects. The Development Lease contains commitments consistent with the LDA and Urban Renewal Plan, whereas the Financing Lease is structured to provide YIDA benefits of sales tax exemptions, mortgage tax exemptions and bonding. Bonding may be in the form of Empowerment Zone Bonds, tax exempt revenue bonds, Build America Bonds and/or Economic Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds. The properties to be retained by the City will be transferred to a YIDA Affiliate and the YIDA Affiliate will designate the SFC as agent to construct the City improvements under the terms of a Project Labor Agreement. YIDA is not authorized to provide financial assistance for the portions of the Project to be leased or conveyed to the City. For this reason Yonkers Economic Development Corporation ("YIDA Affiliate") was formed and obtained state and federal clearances to provide sales and mortgage tax exemptions for those portions of the Project in which the YIDA cannot participate.

**E. Infrastructure Costs.** Infrastructure costs have been estimated by the City retained consultant at approximately \$212,000,000 have been identified, include but are not limited to, roads, sanitary sewers, domestic and fire service water facilities, stormwater drainage facilities, public parking facilities, and gas, electric and other utilities ("Infrastructure"). It is contemplated that the Infrastructure will be funded with increment financing bonds issued by YIDA in a net aggregate amount of \$130,000,000 to \$160,000,000(as determined by the City Commissioner of Finance based on market conditions and 60% of the City portion of the Increment) plus subordinate bonds. Debt service will be paid out of net parking revenues, pledge of full tax agreement ("FTA") payments of up to 60% of the increment in the Increment District. SFC will provide security for the debt service payments if net parking revenues and 60% of the Increment Payments are insufficient.

**F. Time to Complete Project.** All phases of the Project will be constructed in accordance with the SEQRA Findings, site plan approval and other City approvals. Construction will be phased. Subject to obtaining all necessary financing, first phase of the Project (which must include at least the Guaranteed Phase 1 Development), will commence within one year after closing under the LDA and will be completed within 36 months of construction commencement (subject to "Unavoidable Delays"). Under the LDA, and except for the Palisades Point Development Lease, the parties intend to enter into the Development Leases and Financing Leases within 36 months of the approval and signing of the LDA by all parties. Except in the event of Unavoidable Delays under the LDA, SFC would have 36 months from the signing of the LDA to close on all necessary financing for the Guaranteed Phase 1 Development.

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**G. Other Commitments.** SFC will reimburse various City costs in the amount of \$988,212.23 at the time of Closing. SFC shall deposit \$500,000 with NMSDC for residents and business retention and relocation efforts. SFC may develop the Old Library to provide space to retain downtown merchants. SFC shall fund 1/3<sup>rd</sup> the \$1,800,000 cost of new fire equipment acquired as part of the replacement fire headquarters.

**H. Scrimshaw House Parking Facility; Waterfront Public Improvements.**  
The Palisades Point Project will contain two parking facilities, one of which will contain 184 parking spaces exclusively for residents of the Scrimshaw House condominium, thereby satisfying the obligation of the CDA pursuant to a lease agreement with the Board of Managers. The Scrimshaw House Parking Facility will be owned by the SFC. SFC will pay the costs of construction of the Scrimshaw House Parking Facility, and will not be funded with the proceeds of the FTA Bonds. A waterfront promenade and related shoreline improvements (collectively, the "Waterfront Public Improvements") will also be constructed by SFC and upon completion will be conveyed to the City without consideration. The Waterfront Public Improvements on portions of Parcel J shall be an extension of the existing Hudson River promenade known as the "Hudson River Esplanade."

**I. City purchase of the City Office Condominium Unit in the CC Commercial Building:**

(a) The City currently owns and occupies 87 Nepperhan Avenue (the "Health Center Building"). The Health Center Building will be sold to SFC for the appraised value of \$7,500,000.00 less asbestos removal costs of up to \$900,000.00 and less demolition costs of up to \$1,700,000.00 and up to \$1,900,000.00 for costs incurred by the Company to preserve or replicate elements of the façade of 87 Nepperhan as described in Section 5.1(c) of the LDA under "Archeological Resources" each of the foregoing subject to the CDA Project Manager's review and approval for eligibility (the "Net Health Center Building Purchase Price") and be demolished, subject to façade preservation described in Section 5.1(c) of the LDA, by SFC at SFC's expense to permit the development of the Government Center Building. The City must vacate the Health Center Building on 180 days notice or the delay is an Unavoidable Delay with respect to the portions of the Project that require the Health Center Building site to be cleared. Within five (5) years of the Effective Date, the City has the option by a separate [acquisition](#) agreement to be negotiated between the City, the YIDA Affiliate and the Company (the "City Office Condominium Unit [Acquisition](#) Agreement") having terms and conditions consistent with the LDA and in a form to be approved by the City with City Council approval, to [acquire](#) from the YIDA Affiliate or enter into a long term financeable lease subject to annual appropriations, a commercial condominium unit to be constructed by SFC, as agent of the YIDA Affiliate, in the CC Commercial Building, and to relocate City administrative offices from the Health Center Building (and potentially from other locations) to said condominium unit (the "City Office Condominium

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Unit").

(b) If the City exercises the foregoing option and by separate Council action approves entering into the City Office Condominium Unit Acquisition Agreement, the City Office Condominium Unit would contain approximately 100,000 square feet and the purchase price for the City Office Condominium Unit will be equal to the actual hard costs incurred by SFC directly attributable to the construction of the City Office Condominium Unit plus a 3% construction management fee and up to 12% for general conditions and overhead, but not to exceed \$40 million.

(c) All City operations at the Health Center Building other than the MIS department will be relocated prior to the move of the MIS department in order to ensure that operational and emergency communications are maintained at all times. The City would be liable for all costs to relocate City personnel.

**Exhibit B**

**EXHIBIT B**  
**City of Yonkers Community Development Agency Parcels**

<b>Parcel ID#</b>	<b>Address</b>	<b>Owner</b>
1-485-2	16 Palisades Avenue	Yonkers CDA
1.-485-3	18 Palisades Avenue	Yonkers CDA
1.-485-4	20 Palisades Avenue	Yonkers CDA
1.-485-6	24 Palisades Avenue	Yonkers CDA
1.-485-7	26 Palisade Avenue	Yonkers CDA
1.485-8	28 Palisade Avenue	Yonkers CDA
1.-485-10	32 Palisade Avenue	Yonkers CDA
1.-485-12	36 Palisade Avenue	Yonkers CDA
1.-485714	40 Palisade Avenue	Yonkers CDA
1.-485-16	46 Palisade Avenue	Yonkers CDA
1.-485-18	48 Palisade Avenue	Yonkers CDA

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1.-486-15	23 John Street	Yonkers CDA
1.-486-16	25 John Street	Yonkers CDA
1.-2027-51	41 Palisade Ave	Yonkers CDA
1.640-1	20 Water Grant	Yonkers CDA
1.640-25	20 Water Grant	Yonkers CDA
1.640-38	20 Water Grant	Yonkers CDA
1.643-1	20 Water Grant	Yonkers CDA
1.643.24	20 Water Grant	Yonkers CDA
1.643-40	20 Water Grant	Yonkers CDA



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**City of Yonkers Parcels**

<b>Parcel ID#</b>	<b>Address</b>	<b>Owner</b>
1.-475-43	159 Nepperhan Avenue	City of Yonkers
1.-475-50	38 School Street (a/k/a 32 John Street)	City of Yonkers
1.-475-51	44 Ann Street a/k/a 32 John Street)	City of Yonkers
1.-475-55	Ann Street (a/k/a 32 John Street)	City of Yonkers
1.-475-59 Department	32 John Street	City of Yonkers - Fire
1.-475-75	157 Nepperhan Avenue	City of Yonkers
1.-483-50	149 School Street	City of Yonkers
1.-483-60 Authority	Getty Square Parking Area	City of Yonkers - Parking
1.-485-1	14 Palisades Avenue	City of Yonkers
1.-488.1 (Partial)	87 Nepperhan Ave (Building Department Building) and Government Parking Lot	City of Yonkers
1.-489-1	76 South Broadway	City of Yonkers
1.-490-3	96 South Broadway	City of Yonkers
1.-490-14	207 New Main Street	City of Yonkers
1.-490-15	45 Guion Street	City of Yonkers
1.-490-16	43 Guion Street	City of Yonkers
1.-490-17	41 Guion Street	City of Yonkers
1.-490-18	37 Guion Street	City of Yonkers

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1.490-20	35 Guion Street	City of Yonkers
1.490-21	209 New Main Street	City of Yonkers
1.490-22	37 Guion Street Rear	City of Yonkers
1.490-24	33 Guion Street	City of Yonkers
1.490-72 (Partial)	92 South Broadway	City of Yonkers
1.490-80	100 South Broadway	City of Yonkers
Ann Street	Roadway	City of Yonkers – Engineering
Engine Place 1	Roadway	City of Yonkers – Engineering
Henry Herz Street Engineering	Roadway	City of Yonkers -
James Street	Roadway	City of Yonkers – Engineering
John Street	Roadway	City of Yonkers – Engineering
School Street	Roadway	City of Yonkers - Engineering
Guion St (Partial)	Roadway	City of Yonkers – Engineering
1.488.1	City Hall - Washington Park (Partial)	City of Yonkers
1.488.1.4	Parking      Chicken Island	City of Yonkers
1,490.72	Cacace Center - Waring Park (Partial)	City of Yonkers

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**New York State Department of Transportation Parcels**

<b>Parcel ID#</b>	<b>Address</b>	<b>Owner</b>
1.-475-200(Partial)	Nepperhan Avenue	State of New York
1.-475-202	Nepperhan Avenue	State of New York
1.488.200 (Parital)	Arterial	State of New York
1.489.200	Arterial	State of New York
1.490.200	Arterial	State of New York
1.490.201	Arterial	State of New York
1.490-202	Arterial	State of New York
1.490-15	45 Guion Street	City of Yonkers
1.490-16	43 Guion Street	City of Yonkers
1.490-17	41 Guion Street	City of Yonkers
1.490-18	37 Guion Street	City of Yonkers
1.490-20	35 Guion Street	City of Yonkers
1.490-21	209 New Main Street	City of Yonkers
1.490-22	37 Guion Street Rear	City of Yonkers
1.490-24	33 Guion Street	City of Yonkers
1.490-72 (Partial)	92 South Broadway	City of Yonkers
1.490-80	100 South Broadway	City of Yonkers
1.490.200	Arterial	State of New York
1.490.201	Arterial	State of New York
1.490-202	Arterial	State of New York

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**NMSDC Parcels**

<b>Parcel ID#</b>	<b>Address</b>	<b>Owner</b>
1.475-1	58-70 Elm Street (a/k/a 60 Elm St.)	Antone and Jacqueline Daoud
1.-475-64	33 John Street	33 John St Realty Corp. c/o Charles Miller
1.-475-65.66	33 John Street	33 John St Realty Corp.c/o Charles Miller
1.-475-67	37 John Street (a/k/a 39 John Street)	Naber Najib & Ferail
1.-475-70	45 John Street	Milio Brothers Inc. c/o Franco Milio
1.-483-5	155 New Main Street	Anton Meyer
1.-483-7	151 New Main Street	Jose Rodriguez
1.-483-9	149 New Main Street	Steven & Ralph Trizano
1.-483-10	147-151A New Main Street	Stephanie Cho
1.-483-12	143 New Main Street (a/k/a 143-145 New Main)	Young Z. Choi
1.-483-13	137 New Main Street (a/k/a 137-141 New Main)	C & C New Main Corp. c/o Young Choi
1.483-16	135 New Main Street	C & C New Main Corp c/o Young Choi
1.-484-1	8 Palisade Avenue	CC South
1.-484-3	12 Palisade Avenue	Palisade Avenue Realty Incorporated c/o Nader Sayegh
1.-484-5	2 James Street	CC South

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1.-484-8	8 James Street	CC South
1.-484-15	9 Ann Street	131 New Main Street Incorporated
1.-484-51	131 New Main Street	131 New Main Street Incorporated
1.-484-53	129 New Main Street	127-129 New Main Street Incorporated
1.484-55	125 New Main Street	Hi Jong Lee & Soon Ja Lee
1.-484-56	123 New Main Street	Richway Corporation c/o Hi Jong Lee & Soon Ja Lee
1.-484-57	121 New Main Street (a/k/a 119 New Main Street)	Sun Gun & Geun Soon K. Lee
1.-484-59	117 New Main Street	CC South
1.-484-61.62	113-115 New Main Street	CC South LLC
1.-484-63	109 New Main Street	CC South LLC

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**RESOLUTION**

9. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

RESOLUTION OF THE YONKERS CITY COUNCIL AUTHORIZING THE ISSUANCE OF A DETERMINATION OF SIGNIFICANCE PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT ("SEQRA") RELATING TO THE DISCONTINUANCE AND PROPOSED SALE OF A PORTION OF A "PAPER" CITY STREET NAMED WORTH STREET.

WHEREAS, there is pending before the Yonkers City Council a Special Ordinance for the discontinuance for a portion of Worth Street and for the sale of said property, described as Lot 60, at Block 2415 of Section 2 on the Official Tax Map of the City of Yonkers, to the adjoining owner, PVC Enterprises, Inc.; and

WHEREAS, the City Council has determined that the proposed amendment of the Official and/or Zoning Map is an Unlisted Action under the State Environmental Quality Review Act ("SEQRA") requiring the City Council to comply with the regulations promulgated pursuant to SEQRA; and

WHEREAS, an Environmental Assessment Form has been prepared to assist the City Council in complying with its responsibilities under SEQRA; and

WHEREAS, The City Council has carefully considered the proposed action and has reviewed the attached Environmental Assessment Form and the criteria set forth in Section 617.7 of 6 NYCRR Part 617 of the SEQRA regulations and has identified and carefully considered the relevant areas of environmental concern as are fully set forth in said Environmental Assessment Form to determine if these proposed actions will have a significant impact upon the environment; and

NOW THEREFORE, BE IT RESOLVED by the Yonkers City Council that, based upon its review of the Environmental Assessment Form and for the reasons set forth therein, it is determined that there will be no adverse impact on the environment from the proposed discontinuance of a portion of Worth Street and the sale of said property to the adjoining owner; and,

BE IT FURTHER RESOLVED, that the Council President is authorized and directed to sign the Determination of Significance on the Environmental Assessment Form, on behalf of the City Council pursuant to Article 8 of the

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Environmental Conservation Law, indicating that the proposed actions will not result in any significant adverse environmental impacts and to immediately transmit same to be filed and made available pursuant to the requirements of 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

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10. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, the City of Yonkers City Council is the only agency empowered to approve the Yonkers Capital Budget and amendments and the bond ordinances which fund the plan, and as such is the lead agency for SEQRA approval of all aspects of the Capital Budget:

WHEREAS, the proposed projects for the FY 2009 and 2010 Capital Budget was Type II actions except for the Ashburton Avenue Renewal Project which has a 2006 EIS. Type II actions are those activities that have been defined in Part 617, the statewide implementing regulation pertaining to SEQRA, for requiring no further environmental actions.

NOW, THEREFORE, the City Council hereby issues a negative declaration that the projects in the Capital Budgets for Fiscal Year 2009/2010 except for the projects noted above will not result in any significant adverse environment impacts.



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11. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, the U.S. Department of Justice, Office of Community Oriented Policing Services (hereinafter COPS) has awarded the Police Department of the City of Yonkers a Technology Grant (2009-CK-WX-0013) in the amount of \$400,000 which does not need a matching amount from the City of Yonkers, for the purchase of equipment to support law enforcement efforts in specific units, such as the Police and Fire Emergency Communications Center (Radio Room) to move to its new facility at iPark and to support the Police Department as a whole, also with no matching funds; and

WHEREAS, the Mayor of the City of Yonkers, or his designee, is hereby authorized to execute such agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services in order to provide such funds to the Police Department of the City of Yonkers;

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of Yonkers, or his designee, is hereby authorized to execute the grant agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services for the grant of \$400,000; and be it further

RESOLVED, that this resolution shall take effect immediately.

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12. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of One Thousand Dollars (\$1,000.00) of the action entitled, "Ashanti Collins by mother and natural guardian Shannon Collins, (residing at 240 Valentine Lane, Yonkers, NY 10705), Claimant against THE CITY OF YONKERS, Respondent", for personal injuries out of an incident alleging that on November 9, 2006 the claimant Ashanti Collins slipped and fell on stairs in Public School 16, in Yonkers, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in total amount of One Thousand Dollars (\$1,000.00) to "Ashanti Collins and Schachter & Levine, LLP, As Attorneys."

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13. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) of the action entitled, "ALEX PADILLA, (then) an infant by his mother and natural guardian, NOEMI PADILLA and his father ALEXIS PADILLA, (now residing at 75 South Franklin Avenue, Valley Stream, New York 11580), Plaintiffs, against THE BOARD OF EDUCATION OF THE CITY OF YONKERS and THE CITY OF YONKERS, Defendants", for personal injuries and medical expenses arising out of an incident on June 9, 1998 wherein it is alleged that the infant plaintiff was injured when he fell from the monkey bars at the school playground at Public School 13 in the City of Yonkers due to an alleged dangerous condition and alleged lack of supervision, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00) in favor of said plaintiff Alex Padilla.

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14. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of SIX THOUSAND EIGHT HUNDRED SEVENTY-FOUR and 97/100 DOLLARS (\$6,874.97) of the action entitled, "STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY A/S/O MARIAMMA MATHULLA, residing at 161 Bretton Road, Yonkers, NY 10710, plaintiff, against THE CITY OF YONKERS, Defendant", for property damage arising out of an incident in which it is alleged that a sanitation truck owned by the City of Yonkers, struck their vehicle which was parked and unoccupied on Bretton Road in front of 161 Bretton Road in the City of Yonkers on the 29<sup>th</sup> day of November, 2006, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of SIX THOUSAND EIGHT HUNDRED SEVENTY-FOUR and 97/100 DOLLARS (\$6,874.97) in favor of said plaintiff and their attorneys, Penino & Moynihan, LLP

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15. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

RESOLVED, by the City Council of the City of Yonkers, in meeting assembled:

That the settlement by the Corporation Counsel in the amount of TEN THOUSAND DOLLARS (\$10,000.00) of the action entitled, "MASON NORWOOD, (residing at 175 Warburton Avenue, Yonkers, New York) Plaintiff against LUIGI NASTI AND THE CITY OF YONKERS, Defendant", for personal injuries and medical expenses arising out of an alleged accident on August 12, 2005, be and the same hereby is approved and the Comptroller of the City of Yonkers is directed to draw his warrant in the amount of TEN THOUSAND DOLLARS (\$10,000.00) in favor of said plaintiffs and their attorneys Mirman, Markovits & Landau, P.C., 291 Broadway, 6<sup>th</sup> Floor, New York, New York 10007

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16. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

BE IT RESOLVED that, pursuant to § C3-7.B of the City Charter, the Yonkers City Council hereby gives its advice and consent to the appointment of Michael J. White, Esq. of Mohegan Lake, New York 10547, as Inspector General for the City of Yonkers for the five-year term beginning on January 1, 2009 and expiring on December 31, 2013.

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17. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

BE IT RESOLVED that the Yonkers City Council hereby gives its approval and consent to the appointment of Robert J. Piwinski, 9 Gilbert Place, Yonkers, New York, 10701, to the Landmarks Preservation Board for a term to expire three (3) years after the effective date of this Resolution.

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18. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

BE IT RESOLVED, by the Yonkers City Council, that August Cambria, as Commissioner of the Department of Parks, Recreation and Conservation, is hereby authorized and directed to file an application for \$500,000 in funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 for the State Fiscal Year 2009-2010, for Historic Preservation, and upon approval of said request to enter into and execute a project agreement with the State of New York for such financial assistance to the City of Yonkers for the restoration of the reflecting Pool Mosaics and the Temple Floor Mosaics and activate the filtration system at Untermyer Park and Gardens, and this is a 50-50 matching grant, the City of Yonkers' responsibility would be \$250,000 which would be requested in next years CIP budget, and be it further;

RESOLVED, that this resolution shall take effect immediately.



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19. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO

BE IT RESOLVED, that the following applicant(s) are hereby appointed and/or reappointed to the office of Commissioner of Deeds for a period of two years to expire on November 30, 2011.

Nichole Josephine Greco  
164 Park Hill Avenue  
Yonkers, New York 10705

Corp. Counsel

RENEWAL

Renee Marjeh  
1 Gail Road  
Yonkers, New York 10710

Unknown

RENEWAL

Helene Carey  
50 Rosehill Terr.  
Yonkers, New York 10710

Local 628

NEW

Todd Cammisa  
56 Woodlands Avenue  
Greenburgh, New York 10607

YKS Firefighter

NEW

Kimberly Galinski  
175 Douglas Avenue  
Yonkers, New York 10703

COY Engineering Dept

NEW

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**RESOLUTION (CONTINUED)**

Gina Manzuela  
1187 Midland Avenue  
Yonkers, New York 10708

Office Manager – Chamber of Commerce

RENEWAL

Jayna Rivera  
100 Riverdale Avenue, Apt. 15M  
Yonkers, New York 10701

Municipal Housing Authority

RENEWAL

Dawn E. Maron  
615 Warburton Avenue, Apt. 3-C  
Yonkers, New York 10701

Municipal Housing Authority

RENEWAL

Lucia Kannas  
60 Patton Drive  
Yonkers, New York 10710

Municipal Housing Authority

RENEWAL

Mary Flower  
19 Raymond Place  
Yonkers, New York 10704

Paralegal

RENEWAL

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 13, 2009**

**RESOLUTION**

20. BY MINORITY LEADER McLAUGHLIN; COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO:

WHEREAS, Lincoln Park Jewish Center, located at 311 Central Park Avenue in Yonkers will hold its Annual Holiday Craft Fair on Sunday, November 22<sup>nd</sup> 2009, from 12pm -6pm and has requested permission from the City Council to place three banners within the city promoting this event, and

WHEREAS, Lincoln Park Jewish Center has asked that the banners be placed at the following locations: (1<sup>st</sup>.) McLean Avenue(bridge) & Central Park Avenue, (2nd) Tuckahoe Road(bridge) & Central Park Avenue and the (3rd) at Yonkers Ave. (bridge) & Central Park Ave, or wherever convenient on or around November 9<sup>th</sup>, 2009, and to be removed as soon after November 22, 2009 as is possible, and

WHEREAS, said locations are subject to the scheduling and availability of the banner sites as administered by the Department of Public Works.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Yonkers hereby grants permission to Lincoln Park Jewish Center to place three banners in the aforementioned locations, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 13, 2009**

**RESOLUTION**

21. BY COUNCILMEMBER MURTAGH; COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, AND BARBATO:

WHEREAS, St. John's Episcopal Church, 100 Underhill Street in the northeast section of Yonkers will hold their Annual Holiday Fair on Saturday, December 19<sup>th</sup> 2009 from 10:00 am to 3:00 pm; and St. John's has requested permission from the City Council to hang a banner promoting this event informing the public as to the details involved with the Fair, and

WHEREAS, St. John's Episcopal Church has asked for permission to place the promotional banner on the south side of the Northbound overpass across Central Park Avenue at Sadore Lane prior to the event from Dec. 5<sup>th</sup> to Dec. 20<sup>th</sup> and will be removed as soon as possible thereafter.

NOW, THEREFORE BE IT RESOLVED, the City Council of Yonkers hereby grants permission to St. John's Episcopal Church to place their banner at the aforementioned location, subject to any terms and conditions deemed appropriate by the Administration to protect the best interests of the City of Yonkers.

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 13, 2009**

**RESOLUTION**

22. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO

WHEREAS, the City of Yonkers is proud to have many outstanding individuals and families who selflessly dedicate their talents and work for the community with honor and distinction; and

WHEREAS, it is with great privilege that we honor The DiSalvatore Family, in recognition of their many civic and charitable contributions and for their representing the City of Yonkers in 2009 while winning the grand prize on theABC television program, *The Great American Road Trip*; and

WHEREAS, in 1988 Silvio and Amy DiSalvatore made their home in Yonkers and raised their sons Silvio Jr., Mason and Blake, and Amy worked as a pre-Kindergarten aide in St Eugene's School for many years where her sons also attended, and the boys took an active role in Yonkers little-league sports and played baseball, basketball, soccer and flag-football, and in June 2003, Silvio Jr. was recognized by the Westchester County Italian American Foundation for his interest in Italian heritage; and

WHEREAS, in 2000, Silvio, a Yonkers filmmaker, wrote, directed and produced The children's superhero film, *Black Cougar*, and in 2002 distributed the movie in theaters throughout Westchester, and in 2004, Silvio worked withCablevision and created *The Black Cougar Show*, a public-access televisionprogram that promoted child safety; and

WHEREAS, in 2004 Silvio worked with the Yonkers Fire Department to form the Black Cougar-Ronald McDonald All Youth Baseball Tournament, and raised nearly six-thousand dollars for charity; and

WHEREAS, The DiSalvatore Family have all participated in helping others to have better and more functional lives by contributing their time and support to the "Stranger Danger" and "Know and Go" Programs, the Blythedale Children's Hospital, Shriner's Hospitals, St. Jude's Hospitals, and the Make-A-Wish Foundation; and

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 13, 2009**

**RESOLUTION CONTINUED**

NOW, THEREFORE, BE IT RESOLVED, The City of Yonkers congratulates The DiSalvatore Family for their many years of dedicated and notable service, and extends its most sincere and grateful thanks to them in recognition for their ongoing efforts and never-ending passion to make extraordinary contributions to this city and its residents.

**AGENDA**  
**CITY COUNCIL OF THE CITY OF YONKERS**  
**STATED MEETING**  
**TUESDAY, OCTOBER 13, 2009**

**RESOLUTION**

23. BY COUNCIL PRESIDENT LESNICK, MAJORITY LEADER ANNABI, MINORITY LEADER McLAUGHLIN, COUNCILMEMBERS McDOW, GRONOWSKI, MURTAGH AND BARBATO

WHEREAS, the City of Yonkers is truly blessed and proud of its many diverse community groups who play an integral leadership role in preserving and displaying the rich history of each community represented in our beautiful mosaic of communities; and

WHEREAS, foremost among these groups is the Yonkers Columbus Day Celebration Committee who leads the efforts each year to highlight the extensive achievements and contributions of the Italian-American Community; and

WHEREAS, each year the Yonkers Columbus Day Celebration Committee hosts a series of events beginning in September, and culminating with the Columbus Day Parade to commemorate its proud heritage with all the residents of Yonkers; and

WHEREAS, these special events provide opportunities for the Committee to bestow well-deserved honors upon outstanding members of the Italian-American community who have selflessly given of their time, expertise and resources to promote the welfare and advancement of not only the Italian American community but also that of our beloved Yonkers; and

WHEREAS, this year the Yonkers Columbus Day Celebration Committee under the Chairmanship of JOHN RUBBO, has selected the following distinguished individuals as honorees for the 2009 Columbus Day festivities: STEPHAN SANSONE- *Humanitarian*; HON. PETER P. ROSATO-*Hall of Fame*; HON. DEE BARBATO- *Parade Grand Marshal*; SAL CORRENTE and JOHN SAPONARA as *Deputy Marshals* and GIANNA TUMMOLO- *Miss Columbus 2009*; and

NOW, THEREFORE, BE IT RESOLVED that the Members of the Yonkers City Council on behalf of all our residents offers its sincerest thanks to the officers of the Columbus Day Committee 2009-namely, John Rubbo, *Chairman*; Regina Cobelli & Paul Costa *Vice-Chairmen*; Joan Vindal, *Recording Secretary*; Lucia A. Trovato, *Corresponding Secretary*; Anthony Merrante, *Treasurer* and Rev. Terzo Vinci, *Chaplain*; and to all members of the Yonkers Columbus Day Celebration Committee for their tremendous efforts given individually and collectively to make the Columbus Day festivities in Yonkers enjoyable and educational for everyone.